

1                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
2                                   **IN MEDICINE AND SURGERY**

3  
4   IN THE MATTER OF:

5   **JOE K. GREGORY, D.O.**  
6   Holder of License No. 2702

7   For the practice of osteopathic medicine in the  
8   State of Arizona

)   **Case No.: 3309(A)M**

)   **FINDINGS OF FACT,**  
)   **CONCLUSIONS OF LAW**  
)   **AND ORDER FOR DECREE OF**  
)   **CENSURE**

9           On February 17, 2004, the AZ Board of Osteopathic Examiners (hereafter "Board")  
10 notified Joe K. Gregory, D.O. (hereafter "Respondent") of a complaint initiated by the Board as  
11 a result of a medical malpractice report. The Board received the Respondent's answer to this  
12 complaint on March 3, 2004.

13           On September 19, 2005, the Respondent was notified that the complaint would be  
14 reviewed at the Board's October 29, 2005 meeting and that he had the right to attend that  
15 meeting. Respondent did not appear at the meeting.

16           At their meeting on October 29, 2005, the Board reviewed the complaint and voted to  
17 invite Respondent to participate in an investigative hearing on the matter, scheduled for  
18 December 10, 2005, at 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

19           On December 10, 2005 the Board conducted the investigative hearing. Respondent was  
20 present and represented by his legal counsel, Patrick White, Esquire.

21           After hearing testimony and considering the documents submitted, the Board voted to  
22 enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

23                                   **JURISDICTIONAL STATEMENTS**

24           1.     The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the  
25 practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,

1 registered, or permitted to practice osteopathic medicine in the State of Arizona.

2 2. Respondent is the holder of License No. 2702 issued by the Board for the practice  
3 of osteopathic medicine in the State of Arizona.

#### 4 FINDINGS OF FACT

5 1. On November 18, 1998 the Respondent, via telephone, assumed the care of  
6 patient BA after the patient was admitted to Valley Lutheran Hospital at approximately 4:00PM.  
7 Respondent's contact with B.A. was at approximately 3:00AM on November 19, 1998.

8 2. B.A., now deceased, was then a 39-year-old female that presented as a possible  
9 infectious disease patient diagnosed as acute pan sinusitis.

10 3. The patient was admitted at approximately 4:00PM with vital signs of 92/50,  
11 respirations of 20, pulse 80 and temperature of 98.6. The patient was started on Timentin per the  
12 Respondent's orders.

13 4. On or around 2:00AM, the patient complained to the nurse of abdominal pain and  
14 dizziness. The nurse noted that the patient was pale and had a blood pressure of 83/33, heart rate  
15 of 75 and respirations of 18. The nurse called the Respondent's answering service STAT.

16 5. Respondent informed the nurse to monitor the patients' vital signs every 10 - 15  
17 minutes.

18 6. On or around 2:40AM, the patient began to complain of nausea and vomited. In  
19 addition, the patient stated to the nurse that her abdominal pain was a little better, but she was  
20 still dizzy.

21 7. On or around 2:45AM, the on duty nurse again called Respondent's answering  
22 service to report the patients' vital signs which were now 68/40 with a pulse of 90 and  
23 respirations of 16. The patient was then transferred to the ICU.

24 8. When the patient arrived in the ICU she was awake, alert and anxious. The nurse  
25 notes that her lips and oral mucosa were pale. Her heart rate was in the 150's, and the blood

1 pressure was 86/77.

2 9. At or around 3:10AM, her heart rate slowed to 92, and the patient began to lose  
3 consciousness. Her respirations became agonal. A code was called and the emergency room  
4 physician was called to the patients' bedside. A CBC revealed the hemoglobin was now 2 and  
5 the Hematocrit 6. After stabilization, the patient was taken to the O.R. where the patient was  
6 found to have a ruptured spleen. The patient subsequently expired on November 20<sup>th</sup>.

7 10. During the investigative interview it was determined that Respondent failed to  
8 complete an adequate assessment of this patient and did not properly manage this patient's care.  
9 Respondent, as the admitting physician, failed to order minimum laboratory studies to confirm  
10 the evaluations bases upon the information received from medical personnel.

#### 11 CONCLUSIONS OF LAW

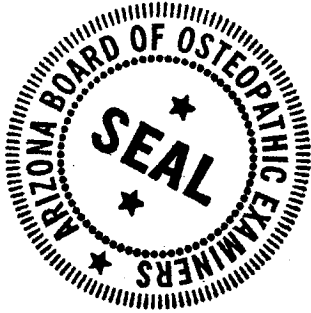
12 1. The conduct described in Findings of Fact 1 through 10 herein constitutes  
13 unprofessional conduct as defined at A.R.S. § 32-1854 (6), which states, "Engaging in the  
14 practice of medicine in a manner that harms or may harm a patient or that the Board determines  
15 falls below the community standard."

16 2. The conduct described in Findings of Fact 1 through 10 herein constitutes  
17 unprofessional conduct as defined at A.R.S. § 32-1854 (38), which states, "Any conduct or  
18 practice that endangers a patient's or the public's health or may reasonably be expected to do  
19 so."

#### 20 ORDER

21 Pursuant to the authority vested in the Board,

22 1. **IT IS HEREBY ORDERED** that Joseph K. Gregory, Holder of osteopathic  
23 medical License number 2707, is issued a DECREE OF CENSURE pursuant to the provisions of  
24 A.R.S. § 32-1855 (E)(4).  
25



ISSUED THIS 9<sup>th</sup> DAY OF JANUARY 2006.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: \_\_\_\_\_

Jack Confer, Executive Director

**NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure" filed this 9<sup>th</sup> day of January, 2006 with the:

Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

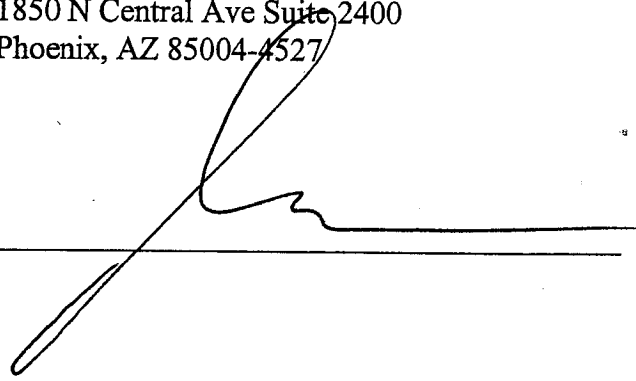
Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" send by certified mail, return receipt requested this 9<sup>th</sup> day of January, 2006 to:

Joe K. Gregory, D.O.  
334 West 10th Place, Suite, #100  
Mesa, AZ 85201

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" sent via regular mail this 9<sup>th</sup> day of January, 2006 to:

1 Blair Driggs, AAG  
2 Office of the Attorney General CIV/LES  
3 1275 West Washington  
4 Phoenix AZ 85007

5 Patrick White, Esquire  
6 The Cavanagh Law Firm PA  
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8 Phoenix, AZ 85004-4527



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